

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS OF IDAHO )  
RULES OF CIVIL PROCEDURE ) ORDER  
(I.R.C.P.) 5(b) and THE FILING FEE )  
SCHEDULE and ADOPTION OF )  
NEW RULE 3(c) )

The Court having reviewed recommendations from the Idaho Civil Rules Advisory Committee and the Ad Hoc Protecting Personal Information in Court Files Committee to amend the Idaho Rules of Civil Procedure, and the Court having approved the recommended amendments;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Rules of Civil Procedure as they appear in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That a NEW RULE 3(c) be, and the same is hereby, adopted to read as follows:

**Rule 3(c). Privacy protection for filings made with the court.**

(1) **Redacted Filings.** Unless the court orders otherwise, the parties shall refrain from including or shall partially redact, where inclusion is necessary, the following personal data identifiers from all documents filed with the court, including exhibits. This rule does not apply to exhibits offered at a trial or hearing unless they are filed with the court.

(a) **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last three digits of that number shall be used.

(b) **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child shall be used.

(c) **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year shall be used.

(d) **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers shall be used.

(e) **Home addresses.** Only the city and state shall be identified; however, this rule does not apply to information required to be in the caption of a pleading pursuant to Rule 10(a)(1) or in a certificate of service.

**(2) Exceptions.**

(a) The redaction requirement does not apply to the record of a court, tribunal, administrative or agency proceeding if that record was filed before the effective date of this rule.

(b) The redaction requirement does not apply to documents that are exempt from disclosure pursuant to Idaho Court Administrative Rule 32.

(c) The redaction requirement does not apply to documents that are required by statute to include personal data identifiers.

**(3) Options when personal data identifiers are necessary.** A party filing a redacted document need not also file an unredacted version of the document; however, where inclusion of the unredacted personal data identifiers is necessary, a party may:

(a) File the redacted document together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information. The reference list shall be secured in the file and be exempt from disclosure pursuant to Idaho Court Administrative Rule 32; however, courts will share the reference list with other government agencies as required or allowed by law without court order or application for purposes of the business of those agencies.

(b) File the redacted document together with an unredacted copy of the document. The unredacted copy shall be placed in a manila envelope marked "sealed" with a general description of the records, and the redacted copy placed in the court file. The unredacted copy shall be exempt from disclosure pursuant to Idaho Court Administrative Rule 32; however, courts will share the unredacted copy with other government agencies as required or allowed by law without court order or application for purposes of the business of those agencies.

**(4) Orders of the court.**

(a) If possible, the court shall refrain from including in court orders the personal data identifiers set forth in subsections 1(a)(1) through 1(a)(5) of this rule. If personal data identifiers are included in the order, the order shall be placed in a manila envelope marked "sealed" and be exempt from disclosure pursuant to Idaho Court Administrative Rule 32. Copies of the order shall be served on the parties and shall be available to the parties and other government agencies without court order for purposes of the business of those agencies. Upon request a redacted copy shall be prepared.

(b) Exceptions. The court may include personal data identifiers in orders that are exempt from disclosure pursuant to Idaho Court Administrative Rule 32, or that are required by statute to include personal data identifiers.

**(5) Responsibility for compliance.** The parties and counsel are solely responsible for redacting personal data identifiers. The clerk will not review each document for compliance with the rule. Failure to comply with this rule is grounds for contempt.

2. That Section K of the Filing Fee Schedule be, and the same is hereby, amended to read as follows:

K. Special Filings									
1. Order granting change of venue (pay to new county).						9.00			9.00
2. Petition to reopen a case after no activity for one year	10.00	18.00	10.00			9.00		6.00	53.00
3. Third party complaint – This fee is <i>in addition</i> to any fee filed as a plaintiff initiating the case or as a defendant appearing in the case						8.00		6.00	14.00
4. Cross claim (defendant v. defendant or plaintiff v. plaintiff) This fee is <i>in addition</i> to any fee filed as a plaintiff to initiate the case or as a defendant appearing in the case						8.00		6.00	14.00
a. For divorce when the complaint did not allege a claim for divorce. The \$41 fee is in addition to the fee for a general cross-claim. (\$1 for court clerk fee, I.C. § 39-266 & \$20 for displaced homemaker account, I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)				41.00		8.00		6.00	55.00
5. Counterclaim for divorce when the complaint did not allege a claim for divorce *(\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)				41.00					41.00
6. Renewing a judgment						9.00			9.00
7. Filing a foreign judgment						7.00			7.00

3. That Rule 5(b) be, and the same is hereby, REPEALED IN ITS ENTIRETY and the following adopted to read as follows:

**Rule 5(b). Service – How made.**

Whenever under these rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party is ordered by the court. Service upon the attorney or upon a party shall be made by:

(A) handing it to the attorney or the party;

(B) leaving it:

(i) at the attorney's office with the person in charge or, if no one is in charge, in a conspicuous place in the office; or

(ii) if the office is closed or the person to be served has no office, at the person's dwelling or usual place of abode with someone over the age of eighteen years who resides there;  
(C) mailing it to the person's last known address in which event service is complete upon mailing;  
(D) leaving it with the court clerk if the person has no known address;  
(E) sending it by electronic means if the person consented in writing in which event service is complete upon transmission, but is not effective if the serving party learns that it did not reach the person to be served;  
(F) transmitting the copy by a facsimile machine process although this rule shall not require a facsimile machine to be maintained in the office of an attorney; or  
(F) delivering it by any other means that the person consented to in writing in which event service is complete when the person making service delivers it to the agency designated to make delivery.

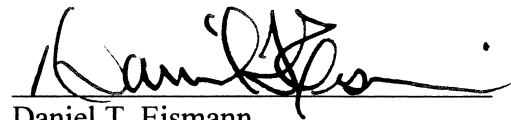
IT IS FURTHER ORDERED, that this order shall be effective on the first day of July, 2011.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rule by lining through them is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through shall not be considered a part of the permanent Idaho Rules of Civil Procedure.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

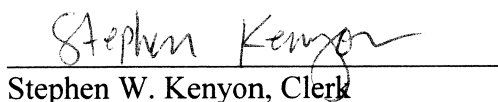
DATED this 18 day of March, 2011.

By Order of the Supreme Court



Daniel T. Eismann  
Chief Justice

ATTEST:



Stephen W. Kenyon, Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.  
WITNESS my hand and the Seal of this Court 3-21-11

STEPHEN W. KENYON Clerk

By: Kimberly Gross Deputy